

MEMO ENDORSED

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September 6, 2016

**BY ECF AND E-MAIL**

Honorable Andrew L. Carter, Jr.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007  
*ALCarterNYSDChambers@nysd.uscourts.gov*

Re: Civil Action No.: 12-cv-08365 (ALC)  
Bankruptcy Case No. 01-42217 (CGM)  
Adv. Pro. No. 06-01890 (CGM)  
In re: Ames Department Stores, Inc., et al., Debtors  
Ames Department Stores, Inc. v.  
Lumbermens Mutual Casualty Company, in Liquidation

Dear Judge Carter:

We are counsel for defendant Lumbermens Mutual Casualty Company, in Liquidation. We write on behalf of both parties to this action to respectfully request a 30-day enlargement of the time in which either party may apply to restore the captioned action to the Court's calendar in order to permit the parties and counsel additional time to finalize the settlement documents needed to be approved by both the Illinois state court and the United States bankruptcy court.

Following the letter of plaintiff's counsel to your Honor advising of the settlement in principle of this matter through the mediation efforts of Chief Magistrate Judge Freeman, your Honor entered an order of discontinuance without prejudice to restoring the action to this Court's calendar if the application to restore the action was made within 60 days of the date of the Order, which was July 27, 2016 [DE #47]. Counsel have been working diligently to prepare a comprehensive settlement stipulation to resolve all issues in this complex matter. However, the settlement approval process is made complicated by the need to have the document approved by both the Illinois State Court supervising the liquidation of Lumbermans, and the United States Bankruptcy Court for the Southern District of New York supervising the Chapter 11 liquidation of plaintiff Ames. Although

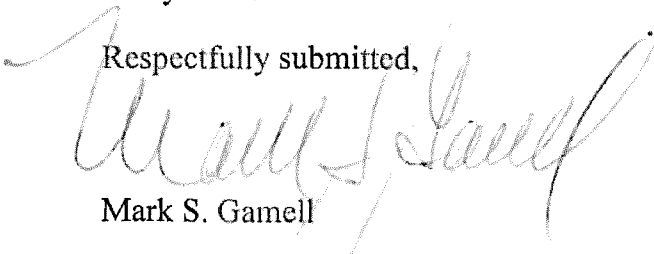
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drafts have been exchanged by counsel, and the constituent parties are actively engaged in providing their review and comment, more time is needed.

Accordingly, both parties hereby respectfully request that your Honor enter an order enlarging the time for either party to apply to restore this action to the Court's calendar from September 25, 2016 to October 25, 2016. Please let us know if you have any questions. We thank your Honor in advance for your courtesies.

Respectfully submitted,

  
Mark S. Gamell

cc: By E-mail  
Avery Samet, Esq.  
Bijan Amini, Esq.  
Timothy Karcher, Esq.

SO ORDERED:

  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

9-7-16